

HEARING ON HUMAN RIGHTS IN VIETNAM
THE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS

STATEMENT OF DR. NGUYEN DINH THANG
EXECUTIVE DIRECTOR
BOAT PEOPLE SOS

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Boat People SOS
Ủy Ban Cứu Người Vượt Biển

6066 Leesburg Pike, Suite 100; Falls Church, VA 22041
Tel: (703) 538-2190; Fax: (703) 538-2191
Website: <http://www.bpsos.org>

Mr. Chairman and distinguished members of the Subcommittee,

Today marks the first US visit by a Vietnamese prime minister since the war ended 30 years ago. Prime Minister Phan Van Khai will meet with President Bush tomorrow to seek US support for Vietnam's accession to the World Trade Organization. He will attempt to convince the President that Vietnam is a market economy and therefore should be exempted from the Jackson-Vanik Amendment. He aims for permanent normal trade relation status.

At this hearing I would like to remind the Subcommittee of the thousands of persecuted victims left without protection in Vietnam and in neighboring countries. After 30 years and much talk about reconciliation and openness, the Vietnamese government continues to deny basic freedoms, persecute those who exercise their rights, and severely restrict the roles and activities of the independent Churches.

The year 1997 witnessed the return of the hard-line communists. There is less freedom and more persecution in today's Vietnam than ten years ago. There has been increased use of torture, including physical and psychiatric torture. More dissidents and religious leaders have been arrested and detained. April 1997 the government issued Decree No. 31/CP authorizing administrative detention without charges or trial. I estimate that hundreds of Vietnamese citizens are currently subjected to this form of persecution.

With the closure of the Comprehensive Plan of Action in 1996, escape from Vietnam was also closed. With few exceptions, the only way out of Vietnam is through the Orderly Departure Program (ODP) which requires government approval. Many victims of persecution have been blocked access to ODP, in many different ways.

The Vietnamese government has denied passport even to those who have been found to be refugees by the United States. Pastor Nguyen Lap Ma of the Christian Missionary Alliance, who has spent the past 23 years under house arrest, has not been issued a passport for refugee resettlement under the US Priority One In-Country Refugee Program. He is among the many similar cases I have been working on.

Rampant corruption is another barrier to US refugee programs. Thousands of former US allies and Amerasians--children fathered by US servicemen during the war--are still in Vietnam because they cannot afford the thousands of dollars demanded by corrupt officials.

For the past four years Vietnam has not acted on its promise to collaborate with the United States in re-opening the Humanitarian Operation program for re-education camp survivors. Many survivors did not survive the long wait.

I am concerned for the safety of persecuted victims who successfully escaped to neighboring countries. Many Montagnard refugees have been deported to Vietnam, which paid thousands of dollars per deportee. In the case of Bui Van Hue, a Hoa Hao Buddhist, the office of the United Nations High Commissioner for Refugees facilitated his forced repatriation without considering his refugee claims. He was sentenced to 36 months in prison for having fled to Cambodia.

Vietnam is far from being in compliance with the free and open emigration requirement of the Jackson-Vanik Amendment.

Human trafficking is another area of concern. A major source of trafficking in persons, Vietnam each year exports tens of thousand men, women and children to sweatshops and the sex industry in Cambodia, China, Hong Kong, Ma Cau, Taiwan, Malaysia, and the Czech Republic. Vietnam refuses to pay \$3.5 million in damages to 321 victims in the Daewoosa American Samoa case as ruled by the High Court of American Samoa. Vietnam has failed to prosecute the Deputy Director of Labour Export Management at the Department of the Labour, War Invalids and Social Affairs Ministry, who was behind this trafficking incident. Yet, the Department of State took Vietnam off the Watch List in this year's Trafficking in Persons report.

As the Prime Minister Khai's visit offers new opportunities for cooperation between the two countries, I would like to offer the following recommendations.

- (1) At meetings with Prime Minister Khai over the next few days, the President and members of Congress should call on him to announce the re-opening of the Humanitarian Operation program and the issuance of passports to all individuals of interest to the United States. He should also be reminded to pay restitution to the Daewoosa American Samoa victims.
- (2) The Department of State should report to Congress the number of ODP cases without passport, the number of refugees demanded bribes by government officials, and the amount they had to pay.
- (3) The United States should expeditiously process all Priority One cases, including those under administrative detention.
- (4) Congress should extend the Davis Amendment, formerly known as the McCain Amendment, to admit children of former political prisoners, in anticipation of the re-opening of the Humanitarian Operation program.
- (5) The Department of State should initiate a special effort to seek out Amerasians being excluded from US resettlement program because of corruption.

While not exactly related to Vietnam's current policy, the following two issues are of humanitarian concern and warrant the attention of the US Congress.

Some 17,000 Amerasians, resettled under the Amerasians Homecoming Act, continue to suffer the consequences of past persecution. Denied education in Communist Vietnam for being children of American citizens, they are illiterate in their native language. Many of them have repeatedly failed the US citizenship exam. Last month Congresswoman Zoe Lofgren introduced the Amerasians Naturalization Act. I call on all members of Congress to support this legislation as it will bring justice to these victims of war, persecution, and neglect.

Finally, I call on the Administration to process the 2,000 Vietnamese former boat people in the Philippines for refugee admission, expeditiously and generously. This will bring the 30-year Vietnamese boat people saga to a truly humane and fair closure.